

## **Remarks**

### **1. Summary of the Office Action**

In the office action mailed September 24, 2008, the Examiner rejected claims 1-37 under 35 U.S.C. § 103 as being allegedly unpatentable over U.S. Patent 7,046,649 (Awaterr) in view of U.S. Patent 6,473,419 (Gray).

### **2. Status of the Claims**

Applicant has amended all of the claims. Currently pending are claims 1-37. Claims 1, 6, 9, 16, 20, 24, 26, and 34 are independent, and claims 2-5, 7-8, 10-15, 17-19, 21-23, 25, 27-33, and 35-37 are dependent.

### **3. Response to Rejections**

The Examiner rejected claims 1-37 under 35 U.S.C. § 103 as being allegedly unpatentable over Awaterr in view of Gray. Under MPEP § 2142, a rejection under 35 U.S.C. § 103 must be supported by a clear, non-conclusory articulation of the reasons the claimed invention would have been obvious at the time the invention was made, based on sound factual underpinnings. Applicant respectfully submits that the limited teachings of the cited references do not reasonably or logically lead to the presently claimed invention, including determining the power save status of a station, or enabling transmission protection in response to determining the power save status of a station.

In rejecting independent claims 1, 6, 8, 16, 20, 24, 26, and 34, the Examiner cited Awaterr as teaching determining a power save status of a first station. While the Examiner indicated that

Awater fails to specifically teach a power save status of a first station and enabling transmission protection at a second station, the Examiner cited Gray as addressing the deficiencies of Awater.

Each of the independent claims contains an element reciting a determination of the power save status of a station. Further, Applicant has amended independent claims 1, 6, 8, 20, 24, and 26 to indicate that the enabling or disabling of transmission protection is responsive to a determination of the power save status of a station. In contrast, neither Awater nor Gray disclose determining the power save status of a first station.

As cited by the Examiner, Awater describes a Bluetooth radio placed in the Park mode while an IEEE 802.11 transmission takes place. While Awater does describe placing a Bluetooth radio in the Park mode, the activity described in Awater is not a determination of the power save status of a station, as set forth in the independent claims. Rather, the cited passage of Awater describes the action of an interoperability device that actively places the Bluetooth radio in the Park mode to allow a packet to be sent via another protocol. Thus, Awater does not teach systems or methods comprising determining the power save status of a station, but instead describes a device capable of changing the mode of a transceiver.

Gray is similarly deficient. Gray describes a state machine that can be applied to control a packet data service in a radio communication system. *See* Gray, abstract. Similar to Awater, Gray fails to describe determining the power save status of a station, but instead describes systems and methods for actively changing the operating conditions of a mobile station. In fact, Gray teaches the evaluation of other criteria, such as a quality of service requirement, to determine whether to actively place a mobile station in a power save substate. *See* Gray, column 8, lines 38-46.

Further, Gray provides no motivation to modify Awater to achieve the systems and methods set forth in the independent claims. In both Awater and Gray, the status or state of a device is actively set based on other occurrences or criteria. As such, the status of a station is not an unknown to be determined, but is instead the planned result of the operation of the methods and systems described in the cited references.

In addition to failing to reasonably and logically lead to determining the power save status of a station, the cited references fail to teach enabling and/or disabling transmission protection in response to the determination of the power save status of a station. Even if the Park mode described in Awater and cited by the Examiner is considered both a power save status and a transmission protection, Awater actually teaches away from the claimed methods and systems. As described in Awater, the placement of the Bluetooth radio into Park mode is triggered by the need to send an IEEE 802.11 packet. *See* Awater, column 7, line 64 – column 8, line 6. Thus, as set forth in Awater, transmission protection is not enabled in response to a power save status of a station, but is instead enabled in response to the presence of a packet at a particular transceiver.

Similarly, Gray also fails to teach enabling or disabling transmission protection in response to determining the power save status of a station. As noted above, Gray does not disclose determining the power save status of a station, but instead describes actively transitioning a communication system through several states. At best, Gray describes the cessation of continuous transmission on the reverse-link dedicated control channel as part of the process of transitioning the system from a “control hold normal” substate to a “control hold power save” substate. *See* Gray, column 7, lines 25-31.

None of the references cited by the Examiner, either individually or in combination reasonably or logically lead to the methods and systems recited in the independent claims.

Further, Applicant respectfully submits that the Examiner has not articulated any additional, non-conclusory reasons that the claimed invention would have been obvious at the time of invention. Consequently, Applicant respectfully submits that the cited references do not support a conclusion of obviousness under MPEP § 2142. Thus, Applicants respectfully submit that independent claims 1, 6, 8, 16, 20, 24, 26, and 34 are allowable.

Applicant notes that claims 2-5, 7-8, 10-15, 17-19, 21-23, 25, 27-33, and 35-37 depend from allowable independent claims 1, 6, 8, 16, 20, 24, 26 and 34, respectively, and are thus allowable due to their dependencies. Consequently, and without conceding the Examiner's other statements, Applicant respectfully submits that all of the pending claims are allowable.

#### **Conclusion**

Applicant respectfully submits that, in view of the remarks above, all of the pending rejections have been overcome. Applicants therefore respectfully request allowance of all the pending claims. The Examiner is invited to call the undersigned at (312) 913-0001 with any questions or comments.

Respectfully submitted,

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